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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 726,507	12 01 2000	Akinori Harada	Q61904	1096

7590 12 04 2002

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EXAMINER

HAMILTON, CYNTHIA

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 12 04 2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09-726507

Applicant(s)

HARADA et al

Examiner

C. Ham. Itou

Group Art Unit

1752

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 07-26-02

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above claim(s) 1-6, 10-13 is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

☒ Claim(s) 7-9 is/are rejected.

☒ Claim(s) 8-9 is/are objected to.

☒ Claim(s) 1-13 are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All Some* None of the CERTIFIED copies of the priority documents have been

☒ received.

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948

Other _____

Office Action Summary

Art Unit: 1752

DETAILED ACTION

1. Applicant's election without traverse of Group II. claims 7-9 in Paper No. 5, filed June 26, 2002 is acknowledged.

2. Claims 1-6, 10-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 5.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 7-9 are drawn to a plate-forming apparatus for scanning a photosensitive material but the material is never explicitly made part of the apparatus. However, claim 9 references the "photosensitive wavelength" of "said photosensitive plate-making material" not being longer than 400 nm. The limit of wavelength for the ultra-short pulse laser light is also limited at "not longer than 800 nm". To what does the limit of 400 nm for the photosensitive material address in the claimed apparatus except the laser used? Are these two limits for the same laser? The examiner does recognize that the doubled wavelength of 800 nm would be 400 nm but this does not address the issue as to what the limit of wavelength in respect to the photosensitive material acts upon the apparatus claimed if the photosensitive material is not

Art Unit: 1752

required present in the apparatus claimed. Thus, claims 7-9 are confusing. Are these competing limitations?

6. Claims 8-9 are objected to because of the following informalities: In claims 8, "10ps" should be "10 ps" leaving a space between number and unit. The same is true of "800nm" and "400nm" in claim 9.. Appropriate correction is required.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wang (6,295,123 B1) teach the instant apparatus except for the modulator. Saaski et al (6,136,611) and Olive et al (4,093,852) address laser flare but not in printing plates.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Liu et al (US 2002/0074320 A1). The apparatus of claim 8 of Liu et al anticipates the apparatus of instant claim 7 wherein the means for setting pulse energy in Liu et al is the modulator of the instant application

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cynthia Hamilton whose telephone number is (703) 308-3626. The examiner can normally be reached on Monday-Friday, 9:30 am to 5:00 pm.

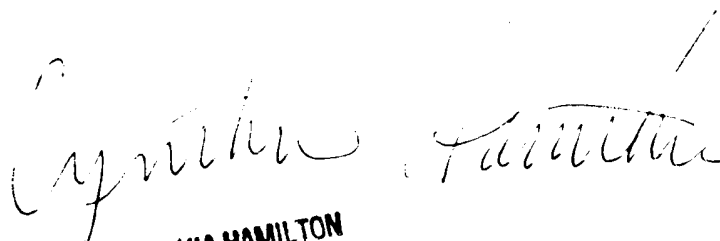
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter can be reached on (703) 308-2303. The fax phone numbers for the

Art Unit: 1752

organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of papers not received regarding this communication or earlier communications, or of a general nature or relating to the status of this application or proceeding should be directed should be directed to the Customer Service Center of Technology Center 1700 whose telephone number is (703) 306-5665.

Cynthia Hamilton
December 3, 2002



CYNTHIA HAMILTON
PRIMARY EXAMINER

CYNTHIA HAMILTON
PRIMARY EXAMINER